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SUBJECT: NEPAL: UN HUMAN RIGHTS OFFICE MULLS FUTURE

REF: A. KATHMANDU 638  
[1](#)B. KATHMANDU 950

[1](#)1. (SBU) Summary. The UN Office of the High Commissioner for Human Rights (OHCHR) plays an useful and unique role in protecting human rights in Nepal. OHCHR has established long-term and ambitious benchmarks its future program, but it is not clear the Government of Nepal will extend its current mandate, which ends June 2010. USAID, which has provided USD 5.2 million to OHCHR-Nepal, does not have additional funds available for the organization. End Summary.

#### Evolving Mandate

[1](#)2. (SBU) The UN Office of the High Commissioner for Human Rights (OHCHR) opened its office in Nepal in 2005. During the final days of the conflict, OHCHR played a valuable role in protecting human rights defenders, pressuring the Nepal Army and Maoists to respect human rights, and providing information to the international community. OHCHR's investigations into the disappearances at the Nepal Army's Maharajgunj Barracks and in Bardiya District provide key evidence for holding the Army accountable for gross human rights abuses committed during the conflict. Since the 2008 elections, OHCHR has downsized its operations, closing a number of regional offices. In addition to its Kathmandu headquarters, OHCHR now has four regional and sub-regional offices in Nepal (Janakpur, Biratnagar, Nepalgunj and Dhangadhi).

[1](#)3. (SBU) Over the last year, OHCHR has shifted its focus from investigations toward local capacity building, addressing long-standing discrimination (particularly caste discrimination), and strengthening the human rights legislative framework. OHCHR continues to play an active role in addressing human rights impunity. Richard Bennett, the head of the office, recently met with both Maoist Chairman Dahal and Prime Minister Nepal to press for the prosecution of emblematic conflict-era human rights cases. OHCHR has also been outspoken about the proposed promotion of General Toran Singh.

#### Tensions with NHRC

[1](#)4. (SBU) The Government of Nepal extended OHCHR-Nepal's current mandate from June 2009 to June 2010 (ref A), following lengthy and somewhat contentious negotiations.

Nepal's National Human Rights Commission (NHRC), a semi-autonomous constitutional body, actively lobbied against the mandate renewal, viewing (incorrectly) OHCHR as a "rival" for international donor support and "jurisdiction." Attempts to "mediate" between OHCHR and NHRC have largely failed, and tensions between the two bodies remain.

#### Ambitious Plans

15. (SBU) Despite the tensions with NHRC, OHCHR would like to establish a longer-term presence in Nepal. OHCHR has developed specific benchmarks for its future program, addressing both the peace process (such as successful prosecution of conflict-related emblematic cases (ref B), creation of the Disappearances Commission and Truth and Reconciliation Commission, and strengthened local capacity), and the root causes of conflict (greater ethnic inclusion in state bodies and prosecution of serious human rights and caste/gender discrimination cases, and access to justice for marginalized groups). When these benchmarks are met -- many could require five to ten years -- OHCHR would depart Nepal. Despite NHRC's ambitious agenda, it is not clear that the GON will approve OHCHR's continued presence past June 2010.

#### NGO Support

16. (SBU) Nepali local human rights organizations, including Advocacy Forum and INSEC, support the extension of OHCHR's mandate, at least until the peace process is concluded. These groups told EmbOffs October 23 that NHCR is

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"ineffective" and "politicized."

#### U.S. Funding

17. (SBU) USAID has provided approximately USD 5.2 million to OHCHR since its inception, making the U.S. Government the organization's largest donor. U.S. assistance ended September 30, 2009, and USAID has told OHCHR that it does not have additional funds available to support its programs. OHCHR's current calendar year budget is approximately USD 8 million, and planned budget for 2010 is USD 6.5 - 7 million.

#### Comment: Useful but Less Critical

18. (SBU) Post has worked closely with OHCHR over the past four years and strongly supports its work. Because of its UN status and technical expertise, OHCHR is able to press human rights issues with the GON and Maoists that would be difficult for local organizations to raise. OHCHR also provides timely and accurate information about potential human rights cases to the public, GON, and diplomatic community, thereby minimizing new violations. That said, OHCHR's presence is no longer as critical as it once was, and the ongoing tensions with the key local institution, NHRC, are unfortunate and an unhelpful distraction from the core work of protecting rights.

#### Bio-Note

19. (SBU) Richard Bennett, the head of OHCHR's Nepal office since 2008, previously served as the UN's top human rights officer in Afghanistan. A New Zealand national, Bennett has also served in East Timor and Sierra Leone for the UN. Prior to joining the United Nations, Bennett worked with the New Zealand Human Rights Commission and Ministry of Justice. Post has found Bennett open, friendly, and cooperative. Some local analysts believe that his aggressive, public style overshadows local human rights activists.

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